

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANCISCO GUZMAN,
Petitioner,

v.

GERALD ROZUM; GARY SANFORD,
District Attorney; and, ATTORNEY
GENERAL OF THE STATE OF

PENNSYLVANIA

Respondents.

:

:

CIVIL ACTION
NO. 13-7083

:

ORDER

AND NOW this 12th day of April 2017, upon careful and independent consideration of Francisco Guzman's Petition For Writ of Habeas Corpus and supporting memoranda of law (Doc. Nos. 1, 2), the Response in Opposition (Doc. No. 12), Petitioner's Traverse (Doc. No. 19), the Report and Recommendation of U.S. Magistrate Judge Carol Sandra Moore Wells (Doc. No. 24), Petitioner's Objections (Doc. No. 27), the Commonwealth's Response to Petitioner's Objections (Doc. No. 32), and Petitioner's Reply (Doc. No. 34), it is hereby ORDERED as follows:

1. The Report and Recommendation of Magistrate Judge Carol Sandra Moore Wells is APPROVED and ADOPTED as set forth in this Court's accompanying Memorandum;
2. Petitioner's Petition for Writ Habeas Corpus is DENIED and DISMISSED with prejudice;
3. Petitioner's request for an evidentiary hearing and appointment of counsel is DENIED;
4. No Certificate of Appealability shall issue under 28 U.S.C. § 2253(c)(1)(A) because "the applicant has [not] made a substantial showing of the denial of a constitutional right[,]” under 28 U.S.C. § 2253(c)(2), since he has not demonstrated that "reasonable jurists" would find my

“assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); and,

5. The Clerk of Court shall mark this case CLOSED.

BY THE COURT:

/s/ C. Darnell Jones, II J.